

AUG 13 2010

JULIA C. DUDLEY, CLERK  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

**UNITED STATES OF AMERICA,**

**V.**

**FIDEL LUIS VIDAL,**

**Defendant.**

**Case No. 5:08CR00037**

**(Case No. 5:10CV80275)**

## **FINAL JUDGMENT AND ORDER**

**By: Glen E. Conrad**

**Chief United States District Judge**

For the reasons stated in the memorandum opinion entered this day, it is

**ADJUDGED AND ORDERED**

as follows:

1. The defendant's motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255 is **GRANTED** to the extent that he is entitled to a renewed opportunity to appeal;
2. The clerk is **DIRECTED** to prepare and enter a new judgment, identical to the most recent amended judgment except as to the date of entry, and upon entry of the new judgment, the amended judgment entered May 13, 2010 shall be **VACATED**;
3. Trial counsel is **DIRECTED** to enter a notice of appeal from the new judgment on behalf of the pro se defendant; and
4. All further action to be taken in the criminal proceedings, the § 2255 action is stricken from the active docket of the court.

ENTER: This 12<sup>th</sup> day of August, 2010.

John C. Moore

**Chief United States District Judge**